

JC10 Rec'd PCT/PTO 01 AUG 2005

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> <b>3009099 US01</b> <b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> <b>unknown 10/544154</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US01/46762</b>	INTERNATIONAL FILING DATE <b>November 8, 2001</b>	PRIORITY DATE CLAIMED <b>November 8, 2000</b>
TITLE OF INVENTION <b>L-Histidine in Ophthalmic Solutions</b>		
APPLICANT(S) FOR DO/EO/US <b>Francis X. Smith</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input checked="" type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td></td> <td>\$ 300.00</td> <td></td> <td></td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td></td> <td></td> <td></td> </tr> <tr> <td>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>All other situations.....</td> <td>\$200</td> <td></td> <td></td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))</td> <td></td> <td></td> <td></td> </tr> <tr> <td>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td></td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....</td> <td>\$100</td> <td>\$ 500.00</td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</td> <td>\$400</td> <td></td> <td></td> </tr> <tr> <td>All other situations.....</td> <td>\$500</td> <td></td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td colspan="2"><b>1,000.00</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).            The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td colspan="2"></td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> <td colspan="2">\$ -0-</td> </tr> <tr> <td colspan="6">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td colspan="2">\$</td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$ 50</td> <td colspan="2">\$ -0-</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$200</td> <td colspan="2">\$ -0-</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> <td colspan="2">\$ -0-</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td colspan="2"><b>\$ -0-</b></td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.         </td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>SUBTOTAL =</b> \$ 1,000.00</td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b> \$ 1,000.00</td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b> \$ 1,040.00</td> </tr> <tr> <td colspan="4"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>Amount to be charged</td> <td>\$</td> </tr> </table>						21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	CALCULATIONS	PTO USE ONLY		\$ 300.00			22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0	\$ 200.00		All other situations.....	\$200			23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100	\$ 500.00		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$400			All other situations.....	\$500			<b>TOTAL OF 21, 22 and 23 =</b>		<b>1,000.00</b>				<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). 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PTO-1390 (Rev. 07-2005)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 50-3010 in the amount of \$1,040.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No.50-3010. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



SIGNATURE

Christopher E. Blank

NAME

31,237

REGISTRATION NUMBER

Adjustment Date: 01/30/2006 WALVARAD  
 08/08/2005 ATRAN1 00000045 503010 10544154  
 02 FC:1633 200.00 CR  
 03 FC:1632 500.00 CR

FEE/VALUE ACCOUNTABILITY	
REPORT ACCOUNT NO.	
50	3010
1633	200
1632	500

10/544154

JC18 Rec'd PCT/PTO 90337.135301  
31 AUG 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Bio-Concept Laboratories	)	Examiner:
		)	Unknown
PCT International	)		
Application No. :	PCT/US01/46762	)	
		)	
International	)		
Filing Date:	8 November 2001	)	Art Unit:
		)	Unknown
For:	L-HITIDINE IN OPHTHALMIC SOLUTIONS	)	
		)	

EXPRESS MAIL CERTIFICATE

Commissioner of Patents  
Washington, DC 20231  
Box: PCT

Dear Sir:

Certificate is attached to the Preliminary Amendment (37 pgs) in connection with the above-named PCT application.

"EXPRESS MAIL" Label Number  
DATE OF DEPOSIT

EV097437715US

6 June 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Box: PCT, Assistant Commissioner for Patents, Washington, DC 20231.

William M. Hall  
(Typed or printed name of person  
mailing paper or fee)

W.M. Hall  
(Signature of person mailing paper or  
fee)

10/544154

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ROCHESTER / NEW YORK 14604-2404  
T 585.325.7570 / F 585.325.5458

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PARTNER  
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CBLANK@HISCOCKBARCLAY.COM  
ALSO ADMITTED IN: MICHIGAN

August 1, 2005

Via Express Mail ED 277134004 US

Attention PCT Legal Staff  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

International Application No.	PCT/US01/46762
International Filing Date	November 8, 2001
Priority Date Claimed	November 8, 2000
Applicant	Francis X. Smith
U.S. Application No.	Unknown
Attorney Docket Number	3009099 US01
Invention:	L-HISTIDINE IN OPHTHALMIC SOLUTIONS

Applicant herewith submits to the United States Designated/Elected Office the following items and other information under 35 U.S.C. 371:

- Petition for the Revival of an International Application for patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (2 Pages);
- Transmittal Form Concerning A Submission Under 35 U.S.C. 371Utility Application Cover Sheet (3 Pages);
- Substitute Specification and Claims (20 Pages);
- Preliminary Amendment submitted in the International case 06/06/2002 (38 pages)
- Application Data Sheet (2 Pages);
- Declaration and Power of Attorney (3 Pages);
- Recordation Data Sheet (1 page);
- Assignment (1 Page);
- Acknowledgment Postcard.

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Commissioner for Patents

August 1, 2005

Page 2

Express Mail No.: ED 277134004 US

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The Commissioner is hereby authorized to charge the amount of \$2,540.00 (\$1,500.00 Petition for Revival of an International Application for patent Designating the U.S. Abandoned Unintentionally, \$300.00 Basic National fee, \$200.00 Examination Fee, \$500.00 Search Fee, and \$40.00 Assignment Recordation Fee). The Commissioner is hereby further authorized to charge any deficiencies or credit any excess payments to our Deposit Account No. 50-3010.

Please date stamp and return the attached postcard to indicate your receipt of the application and direct all correspondence in connection with the application to the undersigned at the address noted above.

Very truly yours,



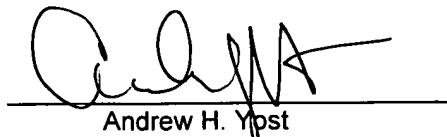
Christopher E. Blank  
Reg. No.: 31,237

CEB:AHY:  
Enclosures

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
(37 CFR 1.10)

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope address to Attention PCT Legal Staff, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 1, 2005.

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Declaration and Power of Attorney (3 Pages);  
Recordation Data Sheet (1 page);  
Assignment (1 Page);  
Acknowledgment Postcard.

  
Andrew H. Yost